

## **REMARKS**

In summary, claims 1-34 are pending. Claims 1, 7, 17, 21, and 31 are independent. Independent claims 1, 7, 17, 21, and 31 are hereby amended. No new matter is added.

The Office Action mailed July 17, 2007 (“Office Action”) took the following four actions: (1) Rejected claims 21-34 under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter; (2) Rejected claims 1, 4-7, 12-16, 21, 26-31, and 34 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0093500, issued to Khodabakchian *et al.* (hereinafter referred to as “Khodabakchian”); (3) Rejected claims 2, 8-10, 17-20, 22-24, 32, and 33 under 35 U.S.C. § 103(a) as allegedly obviated by Khodabakchian in view of U.S. Patent Application Publication No. 2003/0105858, issued to Hogg *et al.* (hereinafter referred to as “Hogg”); and (4) Rejected claims 3, 11 and 25 under 35 U.S.C. § 103(a) as allegedly obviated by Khodabakchian in view of U.S. Patent Application Publication No. 2002/0111996, issued to Jones *et al.* (hereinafter referred to as “Jones”). Each of the foregoing four actions is addressed in order below.

### **1. Rejection of Claims 21-34 under 35 U.S.C. § 101**

Claims 21-34 are rejected under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter. Without prejudice or disclaimer as to whether claims 21-34 are directed to statutory subject matter, claim 21 is amended to recite a “computer-readable storage medium...”. Accordingly, it is requested that the rejection, under 35 U.S.C. § 101, of claims 21-34 be reconsidered and withdrawn.

### **2. Rejection of Claims under 35 U.S.C. § 102(e) in view of Khodabakchian**

The Office Action rejected claims 1, 4-7, 12-16, 21, 26-31, and 34 under 35 U.S.C. § 102(e) as allegedly anticipated by Khodabakchian. Applicant traverses the rejection.

Khodabakchian discusses a system “handling processes that interact with one or more asynchronous systems.” Khodabakchian at ¶ 0005. Khodabakchian states that, “Web service orchestration server 102 contains multiple scenarios 110(1), 110(2) and 110(3).”

(Khodabakhchian at ¶ 0023). “A scenario is a programming abstraction of a long-running process or a collaborative process.” *Id.* “An exception handler 202 processes exceptions that are generated by orchestration engine 200 when implementing the instructions and commands in a scenario 110. Exceptions may include, for example, a fault generated by a web service or a notice generated as a result of a web service timeout.” (Khodabakhchian at ¶ 0025; Figure 2). Khodabakhchian indicates that failures are not processed within an instance of a process, but instead are processed by an independent “exception handler” 202 on web service orchestration server 102. *Id.*

In contrast, the Application discloses and claims that failures are handled within the process, *e.g.*, by a try-catch block. (See, *e.g.*, Application at ¶ 0052). While the claims already specified this, Applicant has amended the claims to more clearly state that the instance processes failures. Thus, at the very least, Khodabakhchian fails to disclose “processing the response using response processing code within the instance according to the success or failure of the message, wherein the processing code has failure handling functionality.” (Amended claims 1, 7, 17, 21, and 31). For the same reason that the independent claims overcome Khodabakhchian, dependent claims 2-6, 8-16, 18-20, 22-30 and 32-34, also overcome Khodabakhchian. Therefore, Applicants respectfully request withdrawal of the rejection.

### **3. Rejection of Claims under 35 U.S.C. § 103(a) in view of Khodabakhchian & Hogg**

The Office Action rejected claims 2, 8-10, 17-20, 22-24, 32, and 33 under 35 U.S.C. § 103(a) as allegedly obviated by Khodabakhchian in view of Hogg. Applicant traverses the rejection.

As previously noted, Khodabakhchian fails to disclose “processing the response using response processing code within the instance according to the success or failure of the message, wherein the processing code has failure handling functionality.” (Amended claims 1, 7, 17, 21, and 31). Also, the Office Action admits that Khodabakhchian fails to disclose a try-catch block in the processing code. (Office Action at p. 6).

Hogg discusses a synchronous communication, *i.e.*, so-called RPC, system, Hogg at ¶¶ 0096-0099, to “maintain a central database from a number of distributed locations,” Hogg at ¶0025, in which Hogg states that “[k]eeping transactions short and synchronous permits the entire database to be locked during each transaction.” Hogg, Abstract. “As shown in FIG. 2, [the] system . . . has three major software-based components, client components 22 which run on user computers 12, a server component 30 and a remote procedure call (RPC) system 26 for maintaining communications between client components 22 and server component 30.” Hogg at ¶0028. “RPC system 26 should report errors.” Hogg at ¶0138. “RPC system 26 can preferably report these errors by throwing an exception.” Hogg at ¶0143. “Preferably software client component 22 includes a canonical event routine handling pattern which includes a try-catch block to deal with these expected errors when they occur.” Hogg at ¶0144. “The catch part of the try-catch block includes statements which deal with the errors. These statements may use the exception type to distinguish between errors of different types.” Hogg at ¶0148.

The Office Action alleges that it would have been obvious to one of ordinary skill in the art to: (a) select Khodabakhian for its asynchronous system with an independent centralized exception handler, (b) choose to modify failure handling in Khodabakhian despite already having an independent centralized exception handler, (c) select Hogg out of the multitude of references for its synchronous system with client component try-catch block, (d) choose to supplement, or replace ?, Khodabakhian’s independent centralized exception handler with a try-catch block in each process running on Khodabakhian’s Web Service Orchestration Server. Office Action at p. 6. The Office Action alleges steps b-d were obvious because a try-catch block in each process would allow Khodabakhian to distinguish between errors of different types. *Id.*

It is respectfully submitted that the reasoning of the Office Action to combine and modify is without merit at least because Khodabakhian’s independent centralized exception handler already allowed Khodabakhian to distinguish between errors of different types. There was no motivation to do what was already done in a different way by supplement or replacement. There is no basis in the prior art of record to establish why one of ordinary skill in

the art would select these two disparate references (one asynchronous and the other synchronous) out of the multitude of references in order to selectively handpick one change, let alone any or many changes, to modify Khodabakchian in the precise manner to read on the claimed invention. For the same reason that the independent claims overcome the rejection based on Khodabakchian and Hogg, dependent claims 2-6, 8-16, 18-20, 22-30 and 32-34, also overcome the rejection based on Khodabakchian and Hogg. Therefore, Applicants respectfully request withdrawal of the rejection.

**4. Rejection of Claims under 35 U.S.C. § 103(a) in view of Khodabakchian & Jones**

The Office Action rejected claims 3, 11 and 25 under 35 U.S.C. § 103(a) as allegedly obviated by Khodabakchian in view of Jones. Applicant traverses the rejection.

As previously noted, Khodabakchian fails to disclose “processing the response using response processing code within the instance according to the success or failure of the message, wherein the processing code has failure handling functionality.” Application, Claims 1, 7, 17, 21 and 31, as amended. Also, the Office Action admits that Khodabakchian fails to disclose storing the instance after a predetermined time. Office Action at p. 8.

Jones discusses a host for executing an operation requested by requestor. Jones at ¶ 0018. The host requires a periodic signal from the requestor in order to process the request. Id. at ¶ 0020. If the periodic signal is not sent within a certain time then the host stores the request until a periodic signal is sent. Id.

It is respectfully submitted that Jones does not disclose what the Office Action says it does. Jones discloses the host storing the request if a periodic signal is not sent, not the requestor storing, after a predetermined time, the process that made the request while it waits for a response from the host. Thus, Jones is inapposite to the claimed invention as it does not provide the disclosure missing in Khodabakchian. Therefore, Applicants respectfully request withdrawal of the rejection.

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**PATENT**

### **CONCLUSION**

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are requested.

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